

AGENDA

BOARD OF ZONING APPEALS APRIL 20, 2004

COUNCIL CHAMBERS 7:30 P.M.

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 16, 2004

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

ITEM #3 – RENEWAL REQUESTED. FATHER MICHAIL, ST. MARK COPTIC CHURCH, 3603-3615 LIVERNOIS, for relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

SUGGESTED RESOLUTION. MOVED, to grant Father Michail, St. Mark Coptic Church, 3603-3615 Livernois, a three (3) year renewal of a variance for relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

ITEM #4 – RENEWAL REQUESTED. JOSEPH PETRUZZELLO, 6950 ROCHESTER ROAD, for relief of the 4'-6" high masonry screening wall required along a portion of the east and south property lines where parking abuts residential zoned property.

SUGGESTED RESOLUTION. MOVED, to grant Joseph Petruzzello, 6950 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along a portion of the east and south property lines where parking abuts residential zoned property.

POSTPONED ITEMS

ITEM #5 – VARIANCE REQUEST. MR. PAUL FLECK, 2805 RANIERI, for relief of Section 30.10.05 to construct a patio enclosure addition, which would result in a 26' rear yard setback where 40' is required.

PUBLIC HEARINGS

ITEM #6 - VARIANCE REQUESTED. PETRE GHIRAN, 4155 LIVERNOIS, for relief of the front yard setback to construct an attached garage, which would result in a 12' front setback from the property line along Carter and a 28' front setback from the future right of way line along Livernois. Section 30.10.02 requires a 40' minimum front yard setback from both Livernois and Carter.

ITEM #7 - VARIANCE REQUESTED. OLAF MALEY, OF BEHR AMERICA, INC. 2700 –2708 DALEY, for relief of the front setback requirement to expand the existing parking lot. Parking is not permitted in the front setback along I-75 in accordance with Section 30.20.09 (L).

ITEM #8 – VARIANCE REQUESTED. MIKE JOHNSON, REPRESENTING MR. & MRS. WILLIAM SIRCY, 412 HICKORY (PROPOSED ADDRESS), for relief of the minimum lot width required to split a parcel to construct a new home, which would be constructed on a lot that is 59' wide, where Section 30.10.06 requires a 60' minimum lot width.

ITEM #9 – VARIANCE REQUESTED. JAMES YAREMA, 345 MINNESOTA (PROPOSED ADDRESS), for relief of the Ordinance regarding lot coverage to construct an addition to an existing industrial building. The proposed addition would result in lot coverage of 51%, and Section 30.20.09 of the Zoning Ordinance limits the lot coverage by building on an individual site in the M-1 (Light Industrial) Zoning District to not more than 40%.

ITEM #10 – VARIANCE REQUESTED. MR. & MRS. WALTERS, 1184 HARTLAND, for relief of the Zoning Ordinance to split a parcel of land in the R-1E Zoning district into four parcels, which would result in less than the required lot area. Section 30.10.05 of the Ordinance requires 7,500 square feet for each lot in the R-1E Zoning District, and the proposed lot split would result in four lots with areas between 6,292 square feet and 6,720 square feet.

ITEM #11 – VARIANCE REQUESTED. MR. & MRS. CRISTIAN COROIU, 331 COLEBROOK, for relief of the Ordinance to expand a legal non-conforming structure. The proposed second floor addition continues the existing 33.4' rear yard setback where Section 30.10.04 requires a 40' rear yard setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

ITEM #12 – VARIANCE REQUESTED. MR. & MRS. PRADEEP, 3839 WAYFARER, for relief of the rear yard setback to construct additions to their home. These proposed additions would result in 35.23' rear yard setbacks where Section 30.10.04 requires 40' minimum rear yard setbacks in R-1C Zoned Districts.

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2. RESOLVED, that Item #3 and Item #4 (with the exception of Item(s) _____) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by
Supported by

3. Father Michail, 3603-3615 Livernois. Petitioner is requesting renewal granted by this Board in 1999 to construct a landscaped berm in lieu of the 4'-6" high masonry wall on the south side of their parking lot as part of a new church construction at the rear of the existing site. The Church obtained a Building Permit in August 2000 and the construction is still on going.

The petitioner is also requesting relief granted by this Board to maintain landscaping and natural screening elements in lieu of the 4'-6" high masonry screening wall required adjacent to their existing off-street parking area. A berm to the north and a natural vegetation barrier to the south presently screen this parking. This renewal has been granted on a yearly basis since 1978.

This renewal last appeared before this Board at the meeting of April 2002 and was granted a two (2) year renewal. At this time the berm and landscaping has been installed. Petitioner is before the Board to request an extension of this renewal.

SUGGESTED RESOLUTION. MOVED, to grant Father Michail, 3603-3615 Livernois a three-year (3) renewal of relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

- Conditions remain the same.
- Construction of the Church is almost complete.

4. Joseph Petruzzello, 6950 Rochester Road. Petitioner is requesting relief of the 4'-6" high masonry screening wall required along a portion of the east and south property lines of their site. This wall would separate the P-1 zoning from the residentially zoned property. Relief has been granted on a yearly basis since 1977, primarily due to the fact that the adjacent residential land is undeveloped. This item last appeared before this Board at the meeting of April 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

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ITEM #4 – con't.

SUGGESTED RESOLUTION. MOVED, to grant Joseph Petruzzello, 6950 Rochester Road, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along a portion of the east and south property lines of their site.

- Conditions remain the same.
- We have no complaints or objections on file.
- Variance is not contrary to Public Interest.

5. Paul Fleck, 2805 Ranieri. Petitioner is requesting relief of the Ordinance to construct a patio enclosure addition on the rear of his home. The site plan submitted indicates a 26' rear yard setback to the proposed patio enclosure. Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts. This item first appeared before this Board at the meeting of October 21, 2003 and was postponed to allow the petitioner the benefit of a full board, as well as for the petitioner to explore the possibility of adding a smaller addition; and to demonstrate to the Board the reasons the addition must be placed in this location.

This item last appeared before this Board at the meeting of December 16, 2003. At that time, motions both to approve the request and to table the item failed on a 3 – 3 tie vote. No motion on this request has been passed by a majority of the Board. In effect, the Board has not taken any action on this request. Therefore, the item was brought back to the Board for final disposition at the meeting of March 16, 2004. This item was postponed at that meeting to allow City Staff to determine appropriate verbiage to deal with tie votes and also so that this request may be heard at this meeting and a final vote taken.

6. Petre Ghirah, 4155 Livernois. Petitioner is requesting relief of the Zoning Ordinance to construct an attached garage on an existing residence. This lot is a double front corner lot. As such, Section 30.10.02 requires a 40' front yard setback from both Livernois and Carter. The plans submitted indicate replacing an existing one car garage with a proposed two-car garage resulting in front setbacks of 12' from the property line along Carter and 28' from the future right of way line along Livernois.

This item last appeared before this Board at the meeting of March 20, 2001 and a variance was granted to allow construction of this garage with the stipulation the entrance to the garage would be on the west side of the property with enough room for a vehicle to turn around. A copy of the minutes from this meeting is included in your packet.

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Item #6 – con't.

A Building Permit was not obtained within the one-year time frame and therefore the variance has expired. The petitioner is before this Board to once again request a variance.

7. Olaf Mally, Behr America, Inc., 2700-2708 Daley. Petitioner is requesting relief of the front setback requirement to expand the existing parking lot into the front yard along the I-75 freeway. Section 30.20.09 (L) of the Zoning Ordinance does not permit parking in the 50' front setback along a public freeway.

8. Mike Johnson, representing Mr. & Mrs. William Sircy, 412 Hickory (proposed address). Petitioner is requesting relief of the Zoning Ordinance to construct a new home. This property is in single ownership with the adjacent property at 404 Hickory. Section 40.50.02 requires that adjacent, single ownership parcels that do not meet lot width or area be considered an undivided parcel. The site plan submitted indicates splitting the existing 118' wide parcel into two, 59' wide parcels and building a new home on the vacant portion. Section 30.10.06 requires a 60' minimum lot width in the R-1E Zoning District.

9. James Yarema, 345 Minnesota (proposed address). Petitioner is requesting relief of the Ordinance regarding lot coverage to construct an addition to an existing industrial building. The petitioner owns a number of buildings on the west and east sides of Minnesota. The buildings on the property on the west side of Minnesota with this addition would total 64,316 square feet of building on a site that is 126,214 square feet. This results in lot coverage of 51%. When the total area of all of these buildings including the proposed addition is reviewed, the result is lot coverage of 109,456 square feet on a site that is 231,214 square feet. The resultant lot coverage is 47% for the combined sites. Section 30.20.09 of the Zoning Ordinance limits the lot coverage by building on an individual site in the M-1 (Light Industrial) Zoning District to not more than 40%. In order for the petitioner to gain approval for the addition, he also needs a parking variance for 33 spaces and that variance is to be heard by the City Council at a hearing on April 19, 2004.

10. Mr. & Mrs. Walters, 1184 Hartland. Petitioners are requesting relief of the Ordinance to split a parcel of land in the R-1E Zoning District into four parcels less than the required lot area. The property in question is made up of six 40' wide platted lots. Three of the lots front on Hartland and three of the lots front on what is called Daley. The petitioner proposes to demolish the existing home and split the property into four lots, two fronting on each street. The resultant parcels would range between 6,292 square feet up to 6,720 square feet. Section 30.10.06 of the Ordinance requires 7,500 square feet for each lot in the R-1E Zoning District.

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11. Mr. & Mrs. Cristian Coroiu, 331 Colebrook. Petitioners are requesting relief of the Ordinance to construct a second floor addition. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District. The mortgage survey submitted indicates the existing one and one-half story house has a 33.4' rear yard setback. Based upon the age of the home, it is classified as a legal non-conforming structure. The proposed second floor expansion would continue the 33.4' non-conforming rear setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

12. Mr. & Mrs. Pradeep, 3839 Wayfarer. Petitioners are requesting relief of the rear yard setback to construct additions to their home. The site plan submitted indicates separate dining room and master bedroom additions on the rear of the home with proposed 35.23' rear yard setbacks to each one. Section 30.10.04 requires 40' minimum rear yard setbacks in R-1C Zoned Districts.